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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,173	06/01/2001	Henri Daniel Schnurmann	YOR920010427US1	2988
49267	7590	05/12/2009		
KEUSEY, TUTUNJIAN & BITETTO, P.C. 20 CROSSWAYS PARK NORTH, SUITE 210 WOODBURY, NY 11797			EXAMINER BOSWELL, BETH V	
			ART UNIT 3623	PAPER NUMBER
			MAIL DATE 05/12/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/873,173	Applicant(s) SCHNURMANN ET AL.	
	Examiner Beth V. Boswell	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8,9,19-21,32,33,35 and 36 is/are pending in the application.
- 4a) Of the above claim(s) 8,9,19-21,32,33 and 35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The following is a Final office action in response to communications received 02/20/09. Claims 8-9, 19-21, 32-33, and 35-36 are pending. Claims 1-7, 10-18, 22-31, and 34 have been canceled. Claims 8-9, 19-21, 32-33, and 35 are withdrawn. Claim 36 is rejected below.

Response to Amendment

2. Applicants cancellation of claims 1-7, 10-13, and 28-31 have overcome the 35 USC 101 rejections set forth in the previous office action.

Response to Arguments

3. Applicant's arguments with regards to the previous rejections based on Peapod.com in view of Novik (U.S. 6,339,745) and Peapod.com in view of Novik and in further view of Behnke (U.S. 4,360,875) have been considered but are moot in view of the new grounds of rejection, as necessitated by amendment.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over MDSI-Advantex (www.mdsi-advantex.com, retrieved from the Wayback Machine dated 12/05/2008) in view of Cohen et al. ("Optimizer: IBM's Multi-Echelon Inventory System for Managing Service Logistics").

As per claim 36, MDSI-Advantex teaches a system for delivering at least one service to at least one service requester from a plurality of service requesters, each service requester being at a known postal address, the system comprising:

a cross-referencing module for correlating a service requestor to terrestrial coordinates precisely corresponding to said postal address, and forming a cross-referenced location for said at least one service requester (see at least page 5, the calling taking section, and pages 8-9, the call taking and map-based dispatching sections, which disclose interpreting addresses and the address of the customer/requestor into map coordinates and displaying these map coordinates, such as for showing the real-time location of the order for service);

an account associated with the requestor (see at least page 5, where in the call taking section, validating a customer account associated with the call is described. The customer is requesting services (ie is a requestor));

a database storing information pertaining to said at least one postal service applicable to each of said plurality of service requesters to be delivered at said known postal address (See pages 4-6, which discloses postal services being provided to the customer/requestor, such as package delivery and pickup, which includes database connectivity and tracking the status of parcels, deliveries, and pickups);

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at least one mobile delivery vehicle equipped for performing real-time customized services for each service requestor (See pages 5 and 8-9, which disclose a vehicle dispatched to the requestor, such as for parcel pickup or for field service);

a service provider module for identifying a delivery vehicle nearest to the terrestrial coordinates of the service requester, the delivery vehicle nearest to the terrestrial coordinates of the service requester for preparing in real-time en route to the service requestor prior to arrival, a customized service to be performed for said at least one service requestor based on said information retrieved from said database at said cross-referenced location (See pages 5 and 8-9, which disclose real-time locating of a delivery vehicle nearest to the coordinates of the service requestor. Examiner notes that the language “the delivery vehicle nearest to the terrestrial coordinates of the service requester for preparing in real-time en route to the service requestor prior to arrival, a customized service to be performed for said at least one service requestor based on said information retrieved from said database at said cross-referenced location” is functional language describing the identified delivery vehicle and does not positively effect or structurally change the module’s functionality of identifying a vehicle. See also page 17, which further discloses the map planner feature and that parts are needed for the customized service of the requestor);

means for notifying a surrogate of said service requestor of the completion of a particular delivery of said service (See pages 5 and 8-9, wherein completion of the job is notified to the dispatcher, who is a middle man acting on behalf of the service requestor and technician. See also the call ahead feature).

However, while MDSI –Advantex discloses correlating the location of the requestor with

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terrestrial coordinates and further discloses an account associated with the requestor, MDSI-Advantex does not expressly disclose a pin number associated with the requestor.

Further, while MDSI-Advantex discloses a delivery vehicle that is dispatched and performs service for the requestor that is specific and customized for that requestor, MDSI-Advantex does not explicitly disclose that each delivery vehicle includes a choice of a plurality of items reflecting the needs of each service requestor.

Cohen et al. teaches that each delivery vehicle includes a choice of a plurality of items reflecting the needs of each service requestor (See pages 66-67, wherein the dispatched vehicle contains an inventory of tools and parts that are used to provide services to the service requestor).

MDSI-Advantex discloses an account associated with the requestor. Examiner takes official notice that it is old and well known to associate a pin with an account of an individual so that information associated with the account would be securely accessed using the pin. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include using a pin with the account taught by MDSI-Advantex because this is merely a combination of old and well known elements and would produce the predictable result of linking a user with his/her information in a safe, secure, and unique manner through the use of the pin.

Further, both Cohen et al. and MDSI-Advantex disclose mobile dispatched vehicles that deliver service to requestors of service. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the parts and inventory on the vehicle of Cohen et

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al. in the delivery and service vehicles of MDSI-Advantex in order to more efficiently and timely provide customized service to the requestor.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Beth V. Boswell at telephone number (571)272-6737.

/Beth V. Boswell/

Supervisory Patent Examiner, Art Unit 3623